

**REMARKS**

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 22-48 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 41-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over De Bey et al. (Published PCT application WO 91/03112) in view of Gelman et al. (U.S. Patent 5,371,532).

However, the present claims have been amended to clarify that the invention is applicable to a “near video-on-demand system” and that the program segments are stored “in a buffer memory of a receiver in the near video-on-demand system.” (Claim 22, Claims 30, 41, 43, and 48 contain similar limitations) As discussed in the summary, the present invention is directed to a near video-on-demand system which by virtue of the buffer memory in the receiver can be used to play videos much like an on-demand system. (Specification page 4; Figure 1) Implicit in this assertion, is the invention is applicable to a near video-on-demand system as distinguished from an on-demand system. By contrast, DeBey is directed to an on-demand system and simply does

not disclose a near video-on-demand system as required in the present invention. This difference is evidenced in the present claim limitation of “program information supplied on plural time-offset channels,” which described a feature of near video-on-demand systems which is not found in De Bey. The Examiner relies on Gelman to meet the present invention’s “pause command while the program information is buffering” limitation. However, Gelman uses buffers 44 which are located in information warehouses, not in the receiver as recited in the present claims. Accordingly, Gelman’s buffering occurs at a different location and therefore does not meet the present buffer memory limitations.

For at least these reasons, De Bey and Gelman fail to obviate the present invention and the rejected claims should now be allowed.

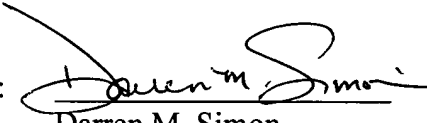
Claims 22-24, 26-35, 37, 40, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over De Bey in view of Gelman and Ullrich et al. (U.S. Patent 5,583,937). Claims 25 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over De Bey in view of Gelman, Ullrich and Blahut et al. (U.S. Patent 5,446,490). Claims 38 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over De Bey in view of Gelman, Ullrich and Banker et al. (U.S. Patent 5,357,276). Ullrich, Blahut, and Banker are relied upon solely to meet various limitations in the dependent claims. However like De Bey; Ullrich, Blahut, and Banker fail to disclose analogous “near video-on-demand” and “buffery memory” related limitations. For at least this reason, De Bey and Gelman in combination with Ullrich, Blahut, and Banker fails to obviate the present invention and the rejected claims should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:   
Darren M. Simon  
Reg. No. 47,946  
(212) 588-0800